



**LOS ANGELES COUNTY FIRE DEPARTMENT
HEALTH HAZARDOUS MATERIALS DIVISION
UNIFIED PROGRAM AGENCY**



RECYCLABLE LATEX PAINT MANAGEMENT GUIDANCE DOCUMENT

GD - 7- HW - 2007

BACKGROUND

The following guidance document is primarily geared towards industrial facilities (e.g., paint manufacturers), recyclers (e.g., paint blenders) and applicable small businesses (paint contractors). In California, paint waste is presumed to be hazardous waste. Latex paint, however, can be recycled because it is a recyclable material. Because latex paint is a recyclable material it qualifies for exclusion from being classified as waste and is not regulated under the hazardous waste laws (unless otherwise specified). It is regulated as an excluded recyclable material and is subject to management requirements specified in the Health and Safety Code (HSC).

MANAGEMENT REQUIREMENTS

The management requirements for recyclable latex paint include (but are not limited to) the following:

- Liquid latex paint shall not be disposed to the land or waters of the state.
- Recyclable latex paint may be accepted at any location if all the following conditions are met:
 1. The recyclable latex paint shall be stored and handled in a manner that minimizes the chance of exposing the handler and the environment to any hazardous constituents in the latex paint.
 2. Any latex paint that is accepted as recyclable by the location and which is later discovered to be non-recyclable shall be deemed to be a hazardous waste generated at the location where this discovery is made and this latex paint shall be managed as a hazardous waste.
 3. The facility has a business plan and a contingency plan that meets standards applicable to hazardous waste generators.
 4. If the latex paint is not excluded or exempt from federal regulations, the facility must meet all applicable federal regulations.
- Bills of lading for the transport of recyclable latex paint to any location shall be kept for at least 3 years and include:
 1. The name, address, and telephone number of the generator, the transporter, and the facility managing the latex paint.
 2. The quantity of recyclable latex paint transported.
 3. The date of transportation.
 4. The signature of the transporter and the generator.
- A recyclable material shall not be excluded from classification as a hazardous waste, unless *all of the following requirements are met*:
 1. If the material is held in a container or tank, it must be labeled, marked, and placarded in accordance with requirements applicable to generators, except the container or tank shall be labeled or marked clearly with the words "Excluded Recyclable Material" instead of the words "Hazardous Waste," and manifest document numbers are not applicable, AND
 2. The owner or operator of the business location where the material is located has a business plan, including but not limited to, emergency response plans and procedures, AND
 3. The material shall be stored and handled in accordance with all the local ordinances and codes, including, but not limited to, fire codes, governing the storage and handling of the hazardous material, AND

RECYCLABLE LATEX PAINT MANAGEMENT GUIDANCE DOCUMENT

GD - 7- HW – 2007

PAGE 2

4. If the material is being exported to a foreign country, the person exporting the material shall meet the requirements of Section 25162.1. [HSC 25143.9]
- Latex paint may be recycled at a facility which is not permitted by DTSC.
 - Facilities that recycle latex paint as an excluded recyclable material must conduct their recycling methods and associated activities in accordance with the exclusion criteria specified in HSC 25143.2.

REPORTING REQUIREMENTS

Recyclable Materials Biennial Reports are completed by businesses and public agencies that recycle more than 100 kilograms per month of recyclable material under a claim that the material qualifies for an exclusion or exemption. The directions for the Recyclable Materials Biennial Report instruct facilities that recycle at the same location at which the material was generated (onsite recyclers) and facilities that recycle materials generated at an offsite location (offsite recyclers) must complete a report. Persons who send materials to another location to be recycled, and who do not recycle materials onsite under a claim to an exclusion or exemption, need not complete a report. Offsite recyclers must complete one report for *each* generator from whom they receive recyclable materials. The Biennial Report has to be submitted to our Department every two calendar years and is due on July 1 of every even-numbered year.

Recyclable Excluded Materials are still hazardous substances. Recyclable materials excluded from classification as a hazardous waste are not excluded from the definition of hazardous substances. Therefore, if a generator has quantities of recyclable latex paint that exceed reportable quantities (i.e., 55 gallons) for hazardous materials as specified by the Hazardous Materials Management Program, the generator will have to acquire the associated permit and disclose his recyclable materials as hazardous substances.

Disclaimer

This guidance document does not replace or supersede relevant statutes and regulations. It is intended for informational purposes only and may not encompass all of the statutes and regulations to this topic. More details may be found at Cal EPA Department of Toxic Substances Control (DTSC) www.dtsc.ca.gov. If further information is needed, call the County of Los Angeles CUPA at (323) 890-4045.